

Minutes of the Malvern City Council

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Held in the City Hall Courtroom

Monday, July 11, 2016

The Malvern City Council met for its regular monthly meeting on Monday, July 11, 2016 at 7:00 p.m. in the City Hall Courtroom. Mayor Brenda Weldon called the meeting to order and welcomed everyone to the meeting. Present for the meeting were Council members Mary Fraction, William Wilson, J. Wayne Reynolds, Peggy Lusinger, Robin Halbert, Larry Stiles and David Cross with Lynn Davis absent. Also present were City Clerk/Treasurer Phyllis Dial and City Attorney Cecilia Ashcraft. Mayor Weldon declared a quorum present. The invocation and pledge of allegiance were led by Police Department Asst. Chief Jimmy Bailey.

A motion was made by Cross, seconded by Reynolds to adopt the minutes of the previous regular meeting held on June 11, 2016. Voting for the motion were Aldermen Fraction, Wilson, Reynolds, Lusinger, Halbert, Stiles, and Cross with Davis absent. All present voting for motion carried.

Monthly departmental reports were considered. A motion was made by Reynolds, seconded by Stiles to accept departmental reports as posted. Voting for the motion were Aldermen Fraction, Wilson, Reynolds, Lusinger, Halbert, Stiles, and Cross with Davis absent. All present voting for motion carried.

Under old business, Mayor Weldon noted that we had received all of the grants and commitments from other entities for the renovation/relocation project for the Treasurer's Office and District Court Judge. A motion was made by Fraction, seconded by Halbert to authorize the Mayor to proceed with the renovation project at 120 W. Third. Voting for the motion were Aldermen Fraction, Wilson, Reynolds, Lusinger, Halbert, Stiles, and Cross with Davis absent. All present voting for motion carried. Mayor Weldon noted that she did plan to accept quotes on the renovation project and did not anticipate any of the quotes going over the \$15,000.00 bid requirements amount, but after researching the issue, thought it would be a good idea to pass the ordinance waiving competitive bidding should anything unanticipated arise. She stated that she will be asking the council to open the meeting to place that ordinance on the agenda later in the meeting.

Council Member introduced an ordinance adopting a new permit fee schedule for its second reading by title only. The Clerk read the ordinance for its second reading by title only. A motion was made by Cross, seconded by Halbert to suspend the rules and place the ordinance on its third and final reading by title only. Voting for the motion were Aldermen Fraction, Wilson, Reynolds, Lusinger, Halbert, Stiles, and Cross with Davis absent. All present voting for motion carried and the ordinance was read for the third and final time by title only by the Clerk. A motion was made by Stiles, seconded by Reynolds to adopt the ordinance. Voting for the motion were Aldermen Fraction, Wilson, Reynolds, Lusinger, Halbert, Stiles, and Cross with Davis absent. All present voting for motion carried and the ordinance was declared adopted and assigned No. 2016-11.

ORDINANCE NO. 2016-11

AN ORDINANCE REPEALING ORDINANCE NO. 00-13 AND ESTABLISHING FEES FOR PERMITS FOR BUILDING, PLUMBING, ELECTRICAL, MECHANICAL, AND RELATED CONSTRUCTION OR ACTIVITIES WITHIN THE CITY OF MALVERN, ARKANSAS

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Alderman Reynolds introduced for its second reading by title only and ordinance prohibiting the use of "Jake Brakes" in the City of Malvern. The Clerk read the ordinance for its second reading by title only. The ordinance will be heard for the third and final reading at the City Council's August meeting.

A motion was made by Alderman Cross, seconded by Reynolds to authorize the Mayor to hire FTN Engineers to obtain a "storm water" permit for the City as required by ADEQ. Mayor Weldon updated the Council on the situation with the storm water permit as discussed at last weeks' finance/agenda meeting. She said that she had spoken with representatives today and that they feel that they can obtain a permit for the city without any major work at this time. She said that ADEQ has not held their 2016 vote as of yet on affected water ways and things may be on hold at this time. She was advised that she should be getting a letter any day from ADEQ updating the situation. The Council agreed to table the matter until further information is received, and Aldermen Reynolds and Cross withdrew the second and motion, respectively.

Mayor Weldon advised the Council that Perla Water had paid its entire June water bill prior to the 10th day of the month. Their payment was \$19, 921.22. Their past due balance is \$77,445.35. Mayor Weldon stated that at the finance/agenda meeting last week, the Council agreed to pursue judgment against Perla water for the unpaid balance but asked if the payment made last week changes the intent of the council. City Attorney Ashcraft stated that she had spoken with Perla's attorney, Greg Crain and he had said that he was working with the Mayor of Perla, urging them to pay the bill in full. She stated that she will talk to Mr. Crain again and see what information on further payments he had received from the Mayor. A motion was made by Reynolds, seconded by Stiles to delay the execution of judgment against Perla Water. Voting for the motion were Aldermen Fraction, Wilson, Reynolds, Lusinger, Halbert, and Stiles with Cross voting "no" and Davis absent. By a vote of 6 "ayes" and 1 "no", the motion carried.

Council Member Reynolds introduced an ordinance amending Ordinance 639 and Section 14.12.300 of the Malvern Municipal Code regulating soil and grease traps. City Attorney Ashcraft read the ordinance for its first reading. A motion was made by Stiles, seconded Fraction to suspend the rules and place the ordinance on its second reading by title only. Voting for the motion were Aldermen Fraction, Wilson, Reynolds, Lusinger, Halbert, Stiles, and Cross with Davis absent. All present voting for motion carried and the city attorney read the ordinance for its second reading by title only. A motion was made by Stiles, seconded by Fraction to suspend the rules and place the ordinance on its third and final reading by title only. Voting for the motion were Aldermen Fraction, Wilson, Reynolds, Lusinger, Halbert, Stiles, and Cross with Davis absent. All present voting for motion carried and the ordinance was read by the city attorney for the third and final time by title only. A motion was made by Cross, seconded by Stiles to adopt the ordinance. Voting for the motion were Aldermen Fraction, Wilson, Reynolds, Lusinger, Halbert, Stiles, and Cross with Davis absent. All present voting for motion carried and the ordinance was declared adopted and assigned No. 2016-12.

ORDINANCE NO. 2016-12

AN ORDINANCE AMENDING ARTICLE 5, SECTION 6 OF ORDINANCE NO. 639 (1966) AND SECTION 14.12.300 OF THE MALVERN MUNICIPAL CODE TO REGULATE SOIL, SAND, ANIMAL AND VEGETABLE FATS, OILS, AND GREASE, AS WELL AS LINT TRAPS AND INTERCEPTORS

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A motion was made by Council Member Fraction, seconded by Reynolds to open the agenda to consider an ordinance waiving competitive bidding for the renovation of 120 W. Third Street. Voting for the motion were Aldermen Fraction, Wilson, Reynolds, Lusinger, Halbert, Stiles, and Cross with Davis absent. All present voting for motion carried and the item was added to the agenda.

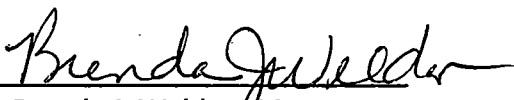
Council member Fraction introduced a resolution waiving competitive bidding for the renovation of 120 W. Third Street. The City Attorney read the ordinance for its first reading. A motion was made by Fraction, seconded by Lusinger to suspend the rules and place the ordinance on its second reading by title only. Voting for the motion were Aldermen Fraction, Wilson, Reynolds, Lusinger, Halbert, Stiles, and Cross with Davis absent. All present voting for motion carried and the city attorney read the ordinance for its second reading by title only. A motion was made by Lusinger, seconded by Fraction to suspend the rules and place the ordinance on its third and final reading by title only. Voting for the motion were Aldermen Fraction, Wilson, Reynolds, Lusinger, Halbert, Stiles, and Cross with Davis absent. All present voting for motion carried and the ordinance was read by the city attorney for the third and final time. A motion was made by Fraction, seconded by Lusinger to adopt the ordinance. Voting for the motion were Aldermen Fraction, Wilson, Reynolds, Lusinger, Halbert, Stiles, and Cross with Davis absent. All present voting for motion carried and the ordinance was assigned No. 2016-13. A motion was made by Fraction, seconded by Lusinger to adopt the emergency clause of the ordinance. Voting for the motion were Aldermen Fraction, Wilson, Reynolds, Lusinger, Halbert, Stiles, and Cross with Davis absent. All present voting for motion carried and the emergency clause was adopted.

ORDINANCE NO. 2016-13

AN ORDINANCE WAIVING THE REQUIREMENTS OF COMPETITIVE BIDDING FOR THE RENOVATION OF THE WEST HALF OF THE BUILDING LOCATED AT 120 W. THIRD; WITH AN EMERGENCY CLAUSE IN EFFECT

There were no citizens wishing to appear that were scheduled on the agenda. Under Mayor Reports, Mayor Weldon noted that the report on the water and sewer system is finally complete. She stated that there will be a special meeting on Monday July 18 at 5 p.m. in the courtroom to hear the overview of the sewer system, and a special meeting on Tuesday July 19 at 5 p.m. to hear the overview of the water system.

There being no further business to come before the Council and upon a motion by Cross, seconded by Stiles, the Council voted to adjourn. Mayor Weldon declared the meeting adjourned.


Brenda J. Weldon, Mayor


Phyllis Dial, City Clerk/Treasurer